

HOUSE BILL No. 1641

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-8-3-1; IC 11-10-2-11; IC 31-31-8-3; IC 36-2-13-17.

Synopsis: Private prisons. Prohibits the state, a juvenile court, or a sheriff from providing custody or confinement of an offender in a penal facility operated by an entity other than a municipality, county, state, or federal authority after June 30, 2005. Requires the department of correction to annually report to the general assembly concerning the steps that the department is taking to implement this requirement. Authorizes the state office building commission, subject to the approval of the budget agency after review by the budget committee, to provide the necessary facilities before July 1, 2005.

Effective: July 1, 2001.

**Dickinson, Harris, Budak,
Stevenson**

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1641

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-8-3-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The department may contract
3 with any city, county, state, or federal authority or with other public or
4 private organizations for:
5 (1) the custody, care, confinement, or treatment **before July 1,**
6 **2005,** of committed persons; or
7 (2) the provision **before June 30, 2005,** of other correctional or
8 related services to committed persons.
9 (b) **The department may contract with a city, county, state, or**
10 **federal authority or with other public or private organizations for:**
11 **(1) the care or treatment after June 30, 2005, of committed**
12 **persons; or**
13 **(2) the provision after June 30, 2005, of other correctional or**
14 **related services to committed persons.**
15 (c) **The department may contract with a city, county, state, or**
16 **federal authority for the custody or confinement after June 30,**
17 **2005, of committed persons in a facility operated by a city, county,**



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1 state, or federal authority. The department may contract with
 2 public or private organizations for placement after June 30, 2005,
 3 of delinquent offenders in a secure private facility (as defined in
 4 IC 31-9-2-115).

5 (d) Before transferring a committed person to the custody, care, or
 6 control of an agency or organization under such a contract, the
 7 department must approve the receiving facility or program as suitable
 8 for the supervision and care of the person.

9 ~~(c)~~ (e) The department may contract with individuals for the
 10 provision of services to the department. **After June 30, 2005, services**
 11 **for the custody or confinement of a committed person may not be**
 12 **provided by an individual.**

13 ~~(d)~~ (f) To fund contracts under this section the department may use:

14 (1) its regular budgeted monies; and

15 (2) if applicable, monies deducted from the person's earnings
 16 under IC 11-10-7-5 or IC 11-10-8-6.

17 SECTION 2. IC 11-10-2-11 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2001]: **Sec. 11. After June 30, 2005, custody and confinement of**
 20 **a committed person, other than for:**

21 (1) medical treatment and care under IC 11-10-3 or
 22 IC 11-10-4; or

23 (2) placement of a delinquent offender in a secure private
 24 facility (as defined in IC 31-9-2-115);

25 **must be provided in a facility operated by a city, county, state, or**
 26 **federal authority.**

27 SECTION 3. IC 31-31-8-3, AS AMENDED BY P.L.273-1999,
 28 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2001]: Sec. 3. (a) The juvenile court may establish juvenile
 30 detention and shelter care facilities for children, except as provided by
 31 IC 31-31-9.

32 (b) The court may contract with other agencies to provide juvenile
 33 detention and shelter care facilities. **After June 30, 2005, the court**
 34 **may provide juvenile detention facilities only through a facility**
 35 **that is operated by a city, county, state, or federal authority.**

36 (c) If the juvenile court operates the juvenile detention and shelter
 37 care facilities, the judge shall appoint staff and determine the budgets.

38 (d) The county shall pay all expenses. The expenses for the juvenile
 39 detention facility shall be paid from the county general fund. Payment
 40 of the expenses for the juvenile detention facility may not be paid from
 41 the county family and children's fund established by IC 12-19-7-3.

42 SECTION 4. IC 36-2-13-17 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2001]: Sec. 17. After June 30, 2005, the sheriff may not provide
3 custody or confinement of a person convicted of an offense or
4 adjudicated as a delinquent child in a penal facility that is not
5 operated by a city, county, state, or federal authority.

6 SECTION 5. [EFFECTIVE JULY 1, 2001] (a) Before September
7 1 in the year 2001, 2002, 2003, and 2004, the department of
8 correction shall submit to the executive director of the legislative
9 services agency for distribution to legislators a report containing
10 the following:

11 (1) An explanation of the number and types of confined
12 persons for which custody or confinement is being provided
13 in a facility operated by a person other than a city, county,
14 state, or federal authority.

15 (2) A description of the progress that the department of
16 correction has made in the preceding twelve (12) months
17 toward providing custody or confinement of committed
18 persons only in facilities that are operated by a city, county,
19 state, or federal authority.

20 (3) A description of the steps that the department of
21 correction will take in the next twelve (12) months to provide
22 custody or confinement of committed persons only in facilities
23 that are operated by a city, county, state, or federal authority.

24 (b) The general assembly encourages the department of
25 correction to take all necessary steps to reduce, before June 30,
26 2005, the number of confined persons for which custody or
27 confinement is being provided in a facility that is operated by a
28 person other than a city, county, state, or federal authority.

29 (c) The general assembly finds that the state needs construction,
30 equipping, renovation, refurbishing, or alteration of correctional
31 facilities for use by the department of correction to provide for the
32 custody or confinement of persons committed to the department in
33 a facility operated by the department. The general assembly finds
34 that the state will have a continuing need for use and occupancy of
35 these correctional facilities. The general assembly authorizes the
36 state office building commission to provide these correctional
37 facilities under IC 4-13.5-1 and IC 4-13.5-4 before July 1, 2005,
38 including the borrowing of money or the issuance and sale of
39 bonds, or both, under IC 4-13.5-4, subject to the approval of the
40 budget agency after review by the budget committee.

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